

REMARKS

Claims 1-22 remain pending in the application.

Claims 1-22 over Cromer in view of Ubowski, and variously additionally in view of Wynn, Nerlikar, and Weller

In the Office Action, claims 1-3 and 7-10 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 6,286,102 to Cromer et al. ("Cromer") in view of U.S. Pat. No. 6,316,758 to Ubowski et al. ("Ubowski"); claims 4, 11-14, 17-20 were rejected under 35 USC 103(a) as allegedly being obvious over Cromer in view of Ubowski and further in view of U.S. Pat. No. 5,717,867 to Wynn et al. ("Wynn"); claims 5 and 6 were rejected under 35 USC 103(a) as allegedly being obvious over Cromer in view of Ubowski and further in view of U.S. Pat. No. 5,629,981 to Nerlikar ("Nerlikar"); and claims 15, 16, 21 and 22 were rejected under 35 USC 103(a) as allegedly being obvious over Cromer in view of Ubowski, and further in view of U.S. Pat. No. 5,717, 867 to Wynn et al. ("Wynn") and U.S. Pat. No. 5,448,221 to Weller ("Weller"). The Applicants respectfully traverse the rejection.

It is respectfully submitted that the need for the Examiner to combine as many as **four** separate references in arriving at the present invention is a strong indication of the non-obviousness of the invention, not of its obviousness as alleged by the Examiner.

Nevertheless, we need not reach that issue, as because a main reference used by the Examiner is not prior art in accordance with 35 USC 103(c).

In particular, at the time of the invention, Ubowski was owned by the same Assignee of the present application, Lucent Technologies Inc. Therefore, Ubowski is not prior art with respect to 35 USC 103.

NONE of the cited rejections stand without Ubowski, as it is Ubowski that the Examiner crucially uses for allegedly teaching a wireless piconet front end.

It is believed that the Examiner would agree that none of the multiple other references utilized by the Examiner disclose, teach or suggest a wireless piconet, as claimed by claims 1-22.

For instance, claims 1-3, 7-9 and 10 recite, *inter alia*, a wireless piconet front end.

NONE of the properly cited prior art discloses, teaches or suggests this basic requirement of the claims: a wireless **piconet** front end.

A benefit of utilizing a piconet front end is, e.g., possible use of an existing networking device. The popular piconet standard, i.e., BLUETOOTH, is potentially being implemented in numerous devices including telephones, watches, remote controls, etc. Such devices would already contain piconet transceivers. The pre-existence of piconet devices results in a tremendous cost savings over the prior art implementations that require originally designed systems to perform similar functions.

Wynn teaches a wireless time and attendance system. Wynn also fails to teach a wireless piconet front end, as required by the claims.

At best even if Cromer and Wynn were combinable (which they are not), the theoretical combination teaches away from the Applicants' invention by simply teaching scanning a badge (per Wynn) when passing through a checkpoint (per Cromer). Applicants utilize a **piconet** identifying device utilizing a piconet front end to automatically establish a communications network with other piconet devices once within a communication range with the other piconet devices, an advantage not taught or suggested by the cited prior art.

Nerlikar teaches a security system connected to a LAN, WAN or MAN. Nerlikar fails to teach a wireless piconet front end, as recited by the claims.

Nerlikar badge is similar to Wynn's badge, as discussed above. Applicants utilize a piconet identifying device utilizing a piconet front end. A piconet device automatically established a communications network with other piconet devices once within a communication range with the other piconet devices, an advantage not taught or suggested by any of the properly cited prior art.

Claims 15, 16, 21 and 22 recite, *inter alia*, establishing a wireless network between a personal wireless piconet identifying device associated with a particular monitored person and an access monitoring base unit.

The Office Action relies on Weller to allegedly make up for the deficiencies in Cromer and Wynn to arrive at the claimed invention. The Applicants respectfully disagree.

Weller teaches a wireless monitoring system that sends an alarm signal to a monitoring service. Weller fails to teach a personal wireless piconet identifying device, as recited by the claims.

Neither Cromer, Wynn nor Weller, either alone or in combination, disclose, teach or suggest establishing a wireless network, much less a wireless network between a personal wireless piconet identifying device associated with a particular monitored person and an access monitoring base unit, as recited by claim 15, 16, 21 and 22.

Accordingly, none of the multiple prior art references properly cited by the Examiner, not Cromer, not Wynn, not Nerlikar, and not Weller, disclose, teach or suggest use of a wireless piconet, as importantly required by claims 1-22.

It is important to note that the Examiner's alleged motivation for the implementation of a piconet network is found only in Ubowski, which as noted above is NOT prior art with respect to 35 USC 103. Mere existence of a piconet network is not sufficient to establish the piconet element of claims 1-22 as motivation to combine a piconet with the elements of the present invention is nevertheless lacking in the prior art.

Accordingly, claims 1-22 are patentable for at least all the above-reasons. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336